

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In Re</i> Application of:)	
)	
Chi-Jung Huang)	Confirmation Number: 8945
)	
Serial No.: 10/646,141)	Examiner: Iwarere, Oluseye
)	
Filed: August 22, 2003)	Group Art Unit: 4127
)	
For: Method And System Of Matching)	TKHR Docket No.: 252011-1200
Customer Demand With Production)	Top-Team Ref: 0503-9730US
Capacity)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This submission response to the Notification of Non-Compliant Appeal Brief, mailed June 2, 2010. It was believed that this notification was to be rendered moot by an Examiner's amendment and allowance of this application (see email string between the undersigned and the Examiner – attached hereto as Exhibit A). However, as the end of the one-month extension period is nearing, the undersigned submits this response to the Notification.

The Notification states that the Brief is defective because claims 9 and 17 were not independently mapped in Section V Summary of Claimed Subject Matter. This is somewhat ironic, as the FINAL Office Action treated claims 1 and 9 co-extensively, and rejected both of these claims in the same paragraphs (without distinguishing between

the two). Apparently, the Patent Office does not have to adhere to the same standards that it imposes on Applicants. Further, claims 9 and 17 were not independently argued. Instead, the Brief merely stated: “Accordingly, the rejection of claim 1 should be overturned. As noted above, the rejections of claims 9 and 17 should be overturned for the same reasons as claim 1.” Nevertheless, a mapping of claims 9 and 17 are provided below.

Embodiments such as those embodied in claim 9 define a storage medium for storing a computer program providing a method of matching customer demand with a manufacturer supply of a product from a plurality of factory facilities (see e.g., FIG. 1, pl. 8, line 24 through p. 10, line 11), the method comprising the steps of: inputting demand data (see e.g., FIG. 1, step S100, p. 8, lines 26-30) for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities; performing a first matching operation (see e.g., FIG. 1, step S102, p.8, lines 31-33) to match the demand data with the supply data to obtain a first demand-supply matching result; collecting rematched demand data (see e.g., FIG. 1, step S108, p. 9, lines 8-9) corresponding to a portion of the demand unsatisfied in the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of the production capacity unused in the first matching operation from the supply data; classifying the rematched demand data into a plurality of classified demand data records according to attributes of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities (see e.g., p. 9, lines 14-15); and performing a second matching operation (see e.g., FIG. 1, step S112, p. 9, lines 26-30) to match the classified demand

data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

Embodiments such as those embodied in claim 17 define a system for matching customer demand with a manufacturer supply of a product from a plurality of factory facilities (see e.g., FIG. 1, pl. 8, line 24 through p. 10, line 11), comprising: a match database, storing demand data for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities; a rematch database, storing rematched demand data and rematched supply data; a customer interface, enabling input of the demand data (see e.g., FIG. 1, step S100, p. 8, lines 26-30); a factory interface, enabling input of the supply data; and a controller computer, coupled to the match database, the rematch database, the customer interface, and the factory interface, performing a first matching operation (see e.g., FIG. 1, step S102, p. 8, lines 31-33) to match the demand data with the supply data to obtain a first demand-supply matching result, collecting rematched demand data (see e.g., FIG. 1, step S108, p. 9, lines 8-9) corresponding to a portion of the demand unsatisfied in the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of the production capacity unused in the first matching operation from the supply data, classifying the rematched demand data into a plurality of classified demand data records according to attributes of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities (see e.g., p. 9, lines 14-15), and performing a second matching operation (see e.g., FIG. 1, step S112, p. 9, lines 26-30) to match the

classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

It is believed that the foregoing is fully responsive to the Notification of Non-Compliant Appeal Brief.

A credit card authorization is provided herewith to cover the fee associated with the accompanying petition for one-month extension of time. No additional fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

/Daniel R. McClure/

Daniel R. McClure
Reg. No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

600 Galleria Parkway S.E.
Suite 1500
Atlanta, Georgia 30339
(770) 933-9500

From: Iwarere, Oluseye [mailto:Oluseye.Iwarere@USPTO.GOV]
Sent: Tuesday, July 06, 2010 9:35 AM
To: McClure, Dan
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Hello Dan,

I sent out a notice of allowability on 6/7/2010, apparently there were some issues with a form and I am working to resolve this situation quickly. The allowance should stand.

Seye Iwarere

Patent Examiner, Art Unit 3687

United States Patent & Trademark Office
(571) 270-5112

From: McClure, Dan [mailto:Dan.McClure@tkhr.com]
Sent: Wednesday, June 30, 2010 12:43 PM
To: Iwarere, Oluseye
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Examiner Iwarere:

Can you let me know the status of this? We received a Notification of Non-Compliant Appeal brief, mailed June 2, and we must file a response by July 2. Obviously, if an Examiner's amendment and allowance are going to be entered, then we don't want to have to file the corrective brief.

Regards,
Dan
Reg. No. 38,962

From: McClure, Dan
Sent: Monday, June 07, 2010 11:30 AM
To: 'Iwarere, Oluseye'
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Examiner Iwarere:

Yes. These amendments are approved.

regards,
Dan
Reg. No. 38,962

From: Iwarere, Oluseye [mailto:Oluseye.Iwarere@USPTO.GOV]
Sent: Monday, June 07, 2010 11:28 AM
To: McClure, Dan
Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Dan,

Thank you for your continued correspondence. The initial examiner's amendment to overcome 101 issues was not sufficient, because the computer was in a potentially trivial step. Therefore, I would like to propose the following amendment to put the computer in each significant step, in order to insure that the machine is performing these steps.

Do you approve these amendments?

1. (currently amended) A computer-implemented method of matching customer demand with a manufacturer supply of products from plurality of factory facilities, comprising using a computer to perform the steps of:

inputting demand data, using the computer, for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities;

performing a first matching operation, using the computer, to match the demand data with the supply data to obtain a first demand-supply matching result;

collecting rematched demand data, using the computer, corresponding to a portion of the demand unsatisfied by the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of the production capacity unused in the first matching operation from the supply data;

classifying the rematched demand data, using the computer, into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities wherein new customers and manufacturing processes are highest priority, existing customers and new manufacturing processes are next priority, and existing customers and manufacturing processes are lowest priority; and

performing a second matching operation, using the computer, to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

Thanks,

Seye Iwarere

Patent Examiner, Art Unit 3687

United States Patent & Trademark Office
(571) 270-5112

From: McClure, Dan [mailto:Dan.McClure@tkhr.com]
Sent: Friday, June 04, 2010 9:34 AM
To: Iwarere, Oluseye

Exhibit A

Cc: Gart, Matthew S (AU3687)

Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Hi Examiner Iwarere:

I have just heard back from the Applicant, and they are agreeable to your proposed amendment, if it will place the application in condition for allowance. Also, I understand (and agree) that you can further amend the claim to specify that the step of "inputting the demand data, using the computer, for a demand..." for purposes of satisfying 101 issues.

Please let me know if you have any further questions. Otherwise, you may proceed with an appropriate Examiner's amendment.

best regards,
Dan

Dan McClure
Reg. No. 38,962

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From: Iwarere, Oluseye [mailto:Oluseye.Iwarere@USPTO.GOV]

Sent: Wednesday, June 02, 2010 3:25 PM

To: McClure, Dan

Cc: Gart, Matthew S (AU3687)

Subject: RE: Serial No. 10/646,141; Attorney Ref. 252011-1200

Hello Dan,

Are you comfortable with the following claim amendment to further distinguish the "different priorities"?

1. (currently amended) A computer-implemented method of matching customer demand with a manufacturer supply of products from plurality of factory facilities, comprising using a computer to perform the steps of:

inputting demand data for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities;

Exhibit A

performing a first matching operation to match the demand data with the supply data to obtain a first demand-supply matching result;

collecting rematched demand data corresponding to a portion of the demand unsatisfied by the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of the production capacity unused in the first matching operation from the supply data;

classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities wherein new customers and manufacturing processes are highest priority, existing customers and new manufacturing processes are next priority, and existing customers and manufacturing processes are lowest priority; and

performing a second matching operation to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

Seye Iwarere

Patent Examiner, Art Unit 3687

United States Patent & Trademark Office

(571) 270-5112

From: McClure, Dan [mailto:Dan.McClure@tkhr.com]

Sent: Friday, May 28, 2010 12:46 PM

To: Iwarere, Oluseye

Subject: Serial No. 10/646,141; Attorney Ref. 252011-1200

Dear Examiner Iwarere:

Thank you for your voice message yesterday, following up in this matter. As you may know, we received the panel decision and in response we proceeded with the filing of an appeal brief. That said, I think the Applicant may be willing to agree to certain amendments, if they will place this application in condition for allowance.

You've requested information about the claimed "demand priorities." The following paragraph is in the specification, in connection with the discussion of FIG. 1. Refer particularly to the last sentence.

The rematched demand data is then classified into classified demand data according to attributes of the corresponding products and customers (step S110). The classified demand data has different priorities. Attributes include new customers and new manufacturing processes of the product, existing customers and new manufacturing processes of the product, and existing customers and existing manufacturing processes of the product. ***In one embodiment, new customers and manufacturing processes are the highest priority, existing customers and new manufacturing processes are next priority, and existing customers and manufacturing processes are the lowest priority.***

I hope this helps. I welcome any suggested amendments that you may propose (feel free to send them by email, as I will ultimately have to get the Applicant's approval - and the Applicant is in Taiwan).

Pursuant to MPEP 502.03: "Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Dan McClure

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